



State of Ohio Environmental Protection Agency

Central District Office

3232 Alum Creek Drive  
Columbus, OH 43207-3417

TELE: (614) 728-3778 FAX: (614) 728-3898  
www.epa.state.oh.us

Bob Taft, Governor  
Bruce Johnson, Lieutenant Governor  
Joseph P. Koncelik, Director

May 2, 2005

Mark Barbash, Director  
Department of Development  
City of Columbus, Ohio  
50 West Gay Street  
Columbus, Ohio 43215

RECEIVED

MAY 06 2005

OHIO EPA/CDO

RE: Verification of Protectiveness of the Pen West Development Urban Setting Designation - ID # 99USD015

Dear Mr. Barbash:

The purpose of this letter is to inform you of Ohio Environmental Protection Agency's conclusion regarding the protectiveness of the Pen West Development (Pen West) Urban Setting Designation (USD). In accordance with OAC Rule 3745-300-10(D)(4), effective October 21, 2003, the Director of the Ohio Environmental Protection Agency (Ohio EPA) is authorized to periodically review the protectiveness of USDs. The purpose of the Ohio EPA periodic review is to verify the continuing validity of key assumptions relied upon as part of the USD application. An example of one such assumption is the determination that no potable use wells exist within a one-half ( $\frac{1}{2}$ ) mile boundary of the USD.

Riverfront Commons Corporation requested a USD for approximately 152 acres comprising 84 parcels in the City of Columbus. Riverfront Commons Corporation contracted with Burgess & Niple, who was represented by VAP Certified Professional (CP) Thomas J. Mignery (CP No. 125), for the submittal of the request for the Pen West USD. The USD is located in the northwest portion of downtown Columbus in the vicinity of the former Ohio Penitentiary. On April 30, 1999, the CP submitted the USD request in accordance with the VAP rules pursuant to Ohio Administrative Code (OAC) Rule 3745-300-10. Ohio EPA evaluated the USD application to determine the extent to which the application satisfied the applicable criteria set forth in OAC Rule 3745-300-10(D)(1)(a) through (e) as well as OAC Rule 3745-300-10(D)(2)(e). Ohio EPA formally approved the Pen West USD Request on October 26, 1999.

As a part of the USD protectiveness verification process, Ohio EPA sends a letter to the USD applicant summarizing the findings of the periodic protectiveness review. Because the USD applicant, Riverfront Commons Corporation, no longer exists as a corporation, this letter is being forwarded to the City of Columbus Department of Development.

The information presented below constitutes Ohio EPA's verification of protectiveness for the aforementioned USD.

**Verification Activities:**

- A. **OAC Rule 3745-300-10(D)(3)(b)(i)(a) and (b): Determination as to whether any additional well(s) have been installed within one-half mile of the urban setting designation boundary or the geographic area that are or will be impacted by chemicals of concern emanating from the property.**

Ohio Department of Natural Resources (ODNR) Well Logs

1. ODNR Division of Water well logs were reviewed by an Ohio EPA Division of Drinking and Ground Waters (DDAGW) geologist on December 3, 2004 for the time period January 1, 1999 to December 3, 2004. Based upon review of the available well logs, no records of potable wells installed within one-half mile of the USD during this time period were identified.

Public Water Systems on file at Ohio EPA

2. An Ohio EPA Division of Emergency and Remedial Response (DERR) Geographic System (GIS) database search was conducted for the locations of public water systems within a five mile radius of the USD. No public water systems were located within a one-half mile radius of the USD boundary. The City of Columbus supplies municipal water service for the area within a one-half mile radius of the USD.

Private Water Supplies on file at Department of Health

3. The City of Columbus Department of Health was contacted to determine if there were any records of wells within a one-half mile radius of the USD. No city permits for private water wells within the one-half mile radius were identified.

Bottled Water Supply Wells

4. The Ohio Department of Agriculture was contacted to determine if there were any bottled water supply wells within one-half mile of the USD. No bottled water supply wells were identified in the subject area.

**B. OAC Rule 3745-300-10(D)(3)(b)(ii): Determination if USD is still protective if it is determined that new potable wells have been installed.**

OAC Rule 3745-300-10(D)(3)(b)(ii)(a): Determine whether the wells are part of a community water system with a drinking water source protection plan and whether the owner of the community water system consents or will consent in writing to the USD.

1. No new water wells installed for potable purposes were identified within a one-half mile radius of the USD.

OAC Rule 3745-300-10(D)(3)(b)(ii)(b): Determine whether the capture zones of any wells installed or used for potable water supply purposes within one-half mile of the property (USD boundary) do not extend under the property for which the urban setting designation applies.

2. As previously indicated, no new water wells installed for potable purposes were installed within a one-half mile radius of the USD.

**C. OAC Rule 3745-300-10(D)(3)(b)(iii): Determination whether enforceable restrictions are still valid.**

1. Based upon information supplied by the City of Columbus Department of Health, there are no enforceable restrictions (e.g., local ordinances) on the use of ground water for potable purposes within the City of Columbus. The City of Columbus, however, does require a city permit for installation of new water wells.

**D. OAC Rule 3745-300-10(D)(3)(b)(iv): Determine whether any new drinking water source protection area(s) for a public water system using ground water has been delineated that incorporate areas within the urban setting designation.**

1. An Ohio EPA DERR GIS database search was conducted to determine the presence of public drinking water systems and drinking water source protection areas. No public water systems or drinking water source protection areas were identified within a one-half mile radius of the USD.

Additionally, Ohio EPA contacted sixteen surrounding communities and water system owner/operators within an approximate five mile radius regarding their water use needs and the potential for future water supply development that might impact the USD. None of the surrounding communities or owner/operators that were contacted have future plans to develop ground water for potable purposes near the USD area.

Mark Barbash, Director  
Department of Development  
City of Columbus, Ohio  
Page -4-

In summary, Ohio EPA concludes that key assumptions supporting the Pen West USD continue to be valid and, therefore, protective. In the event questions arise with respect to the information provided above, please feel free to contact Ray Moreno or myself of the Central District Office at (614) 728-3778.

Sincerely,



Deborah Strayton  
Manager,  
Division of Emergency and Remedial Response,  
Central District Office

cc:

Lori Baudro, City of Columbus, Planning Division  
Bob McLaughlin, Administrator, City of Columbus, Downtown Development  
Amy Yersavich, Manager, DERR-VAP-CO  
Frank Robertson, Supervisor, DERR-VAP-CO  
Jeff Patzke, Manager, DDAGW-CO  
Catherine Stroup, Legal  
DERR-CDO VAP Files, Pen West USD

**Protectiveness Verification of the Urban Setting Designation  
for  
Pen West Development, Columbus, Ohio**

**99USD015**

**Ohio Environmental Protection Agency  
Central District Office  
Division of Emergency and Remedial Response  
3232 Alum Creek Drive  
Columbus, Ohio 43207**

**April 25, 2005**

## **1.0 Purpose**

The purpose of this document is to report the findings of an urban setting designation (USD) five-year review. This review was performed in accordance with Ohio Environmental Protection Agency (Ohio EPA) guidance titled Urban Setting Designation Procedures for the Director's Periodic Verification of the Protectiveness of Area-Wide USDs OAC3745-300-10(D)(4).

## **2.0 Background**

### a. Subject Area

This review addresses an urban setting designation established for the "Pen West Development" (ID: 99USD015) in the City of Columbus, Franklin County, Ohio. The USD area is comprised of 152 acres (84 parcels in the original USD approval) as displayed on the property location map included as Figure 1.

### b. Contacts

- i. Certified Professional: Mr. Thomas J. Mignery, CP 125, Burgess & Niple, Ltd., Columbus, OH
- ii. Urban Setting Designation Applicant: Riverfront Commons Corporation, Columbus, OH

### c. Original Approval Criteria

The original approval criteria are summarized on Ohio EPA's approval letter dated October 26, 1999 included as Attachment A.

## **3.0 Summary of Past Verification Issues**

This is the first verification review of the subject USD, therefore there are no past verification issues to discuss.

## **4.0 Verification Activities**

### a. Ohio Department of Natural Resources (ODNR) Well Logs

ODNR well logs were reviewed by an Ohio EPA Division of Drinking and Ground Waters (DDAGW) geologist on December 3, 2004 to determine if any potable wells had been installed within a one-half mile radius of the subject USD since the well log search was conducted for the original USD approval. The well log search was conducted on the ODNR Division of Water well search system for the time frame January 1, 1999 through December 3, 2004. The well log search included all well logs for potable water wells that had been drilled and entered into the system during that time period. (Well logs that had not been entered into the system were not included.) The search yielded no records of potable wells installed within one-half mile of the subject USD during the searched time frame. A memo summarizing the well log search is included as Attachment B

b. Public Water Systems on file at Ohio EPA

An Ohio EPA Division of Emergency and Remedial Response (DERR) Geographic Information System (GIS) database search was conducted for the locations of public water systems located within a five mile radius of the USD. No public water systems were identified within a one-half mile radius of the USD boundary. The nearest public water supply identified was the City of Columbus Dublin Road Water Treatment Plant located approximately 0.7 miles from the USD boundary along the Scioto River upstream from the USD. The water treatment plant has a surface water intake from the Scioto River at this location. Figure 2 displays the results of the DDAGW public water system search.

In addition to the active public water systems displayed on Figure 2, well logs indicated the presence of two water wells at Mt. Carmel West Hospital at 793 State Street just beyond the one-half mile radius of the USD. The Operations Manager of the hospital's maintenance department, Mr. Dave Armstrong, was contacted to determine the status of the two wells. Mr. Armstrong stated that the two wells were no longer in service, the piping had been removed and the wells were no longer connected to the potable water system. He also stated that there are no plans to reuse the wells for potable purposes although one well may be used for irrigation. Mr. Armstrong was advised to properly abandon any well that will no longer be used. Ohio EPA Central District Office DDAGW has been asked to follow up with a written notification to Mt. Carmel West outlining well abandonment requirements

c. Private Water Supplies on file at Department of Health

No new potable wells were identified in the ODNR well log search. The Columbus Department of Health was also contacted to determine if there are any records of private water wells located within the one-half mile radius of the USD. No city permits for private water wells within the one-half mile radius of the USD were identified.

d. Bottled Water Supply Wells

The ODNR well log search did not identify any new potable wells, including bottled water supply wells, in the search radius. The Ohio Department of Agriculture was also contacted to determine if there were any bottled water supply wells in the subject area. No bottled water supply wells were identified within the one-half mile radius of the USD.

e. Enforceable Restrictions

No enforceable restrictions on the use of ground water as a source of potable water were in place at the time of the USD approval.

f. New Drinking Water Source Protection Areas

An Ohio EPA DERR GIS database search was conducted to determine the presence of active public water systems and drinking water source protection areas. The results of the GIS inquiry are displayed on Figure 2. No active public water systems or drinking water source protection areas

were identified within the one-half mile radius.

g. Contacting Owner/Operators and Surrounding Communities

Information regarding the City of Columbus water supply system was provided with the original USD application. Ohio EPA also contacted sixteen (16) owner/operators and surrounding communities within or just beyond a five-mile radius of the subject USD regarding their water use needs and potential for future water supply development that might impact the USD. These same owner/operators and surrounding communities were contacted by Ohio EPA personnel in December 2004 to update this information, including: Bexley, Obetz, Grandview Heights, Grove City, Marble Cliff, Upper Arlington, Valleyview, Clinton Township (Twp.), Franklin Twp., Hamilton Twp., Jackson Twp., Madison Twp., Mifflin Twp., Norwich Twp., and Truro Twp. and the Ohio-American Water Company. Additionally, the City of Columbus, the Franklin County Sanitary Engineering Department (Water Operations) and Perry Township were also contacted for this review.

The following questions were asked of the owner/operators and surrounding communities for this review:

- 1.) Is the public water supply system meeting current water use demands?
- 2.) Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

All of the surrounding communities that were contacted for this review stated that their public water supply systems were meeting current water use demands except for Mifflin Township. The Mifflin Township representative stated that residents in some areas of the township (near Interstate 270 and US Route 62) have experienced inadequate water supply due to wells going dry. The township representative stated that the township has used grant money to drill new private residential wells for some residents and that other residents have had water holding tanks installed. None of the surrounding communities that were contacted have future plans to develop ground water for potable purposes near the USD area.

The City of Columbus provides municipal water service in the general area of the USD as well as to the City of Columbus and many surrounding communities. Except for Obetz, all of the incorporated communities contacted for this review stated that they are served entirely by the City of Columbus. The Village of Obetz, just beyond the five-mile radius, has its own well field and water supply system although a portion of the village is served by Columbus. The unincorporated townships in the area are primarily served by a combination of private wells or Columbus water in more densely developed areas. Four of the townships contacted, Norwich, Madison, Truro and Perry, stated that the Ohio-American Water Company, a private utility, serves several unincorporated developments within their boundaries. These developments, however, are located beyond the five-mile radius.

Columbus utilizes surface water from several reservoirs and ground water from the Columbus South Well Field located south of Interstate 270 along the Scioto River and Big Walnut Creek, approximately six to nine miles south of the USD. Columbus plans to expand the South Well Field

to meet additional water demand but the new wells will be located farther south of the existing wells in southern Franklin and northern Pickaway Counties.

As a result of this survey, no plans were identified for development of water resources that would impact the subject USD. Telephone survey contact forms are included as Attachment C.

### **5.0 Conclusions/Recommendations**

Based upon the scope of this review, no changes in the potable use of ground water were identified within prescribed areas that would impact the Pen West USD. This USD protectiveness verification was performed in accordance with USD Procedures for Periodic Verification of the Protectiveness of Area-Wide USDs and concludes that this USD meets the requirements of OAC 3745-300-10. Completion of this work addresses the periodic USD review in accordance with OAC 3745-300-10(D)(4).

**FIGURES**

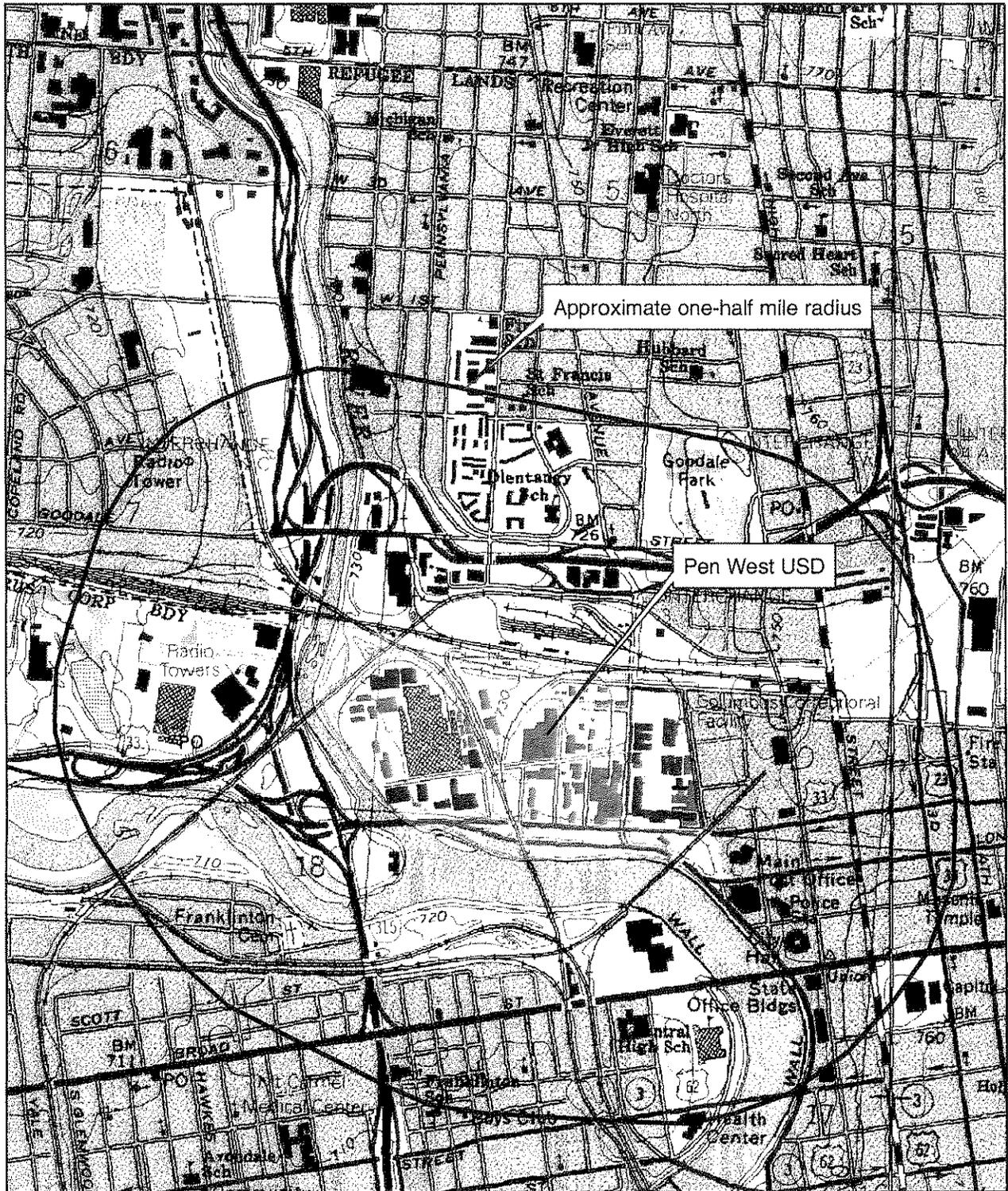
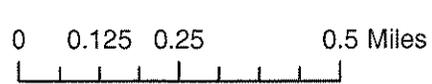
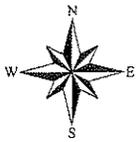
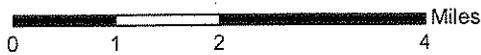
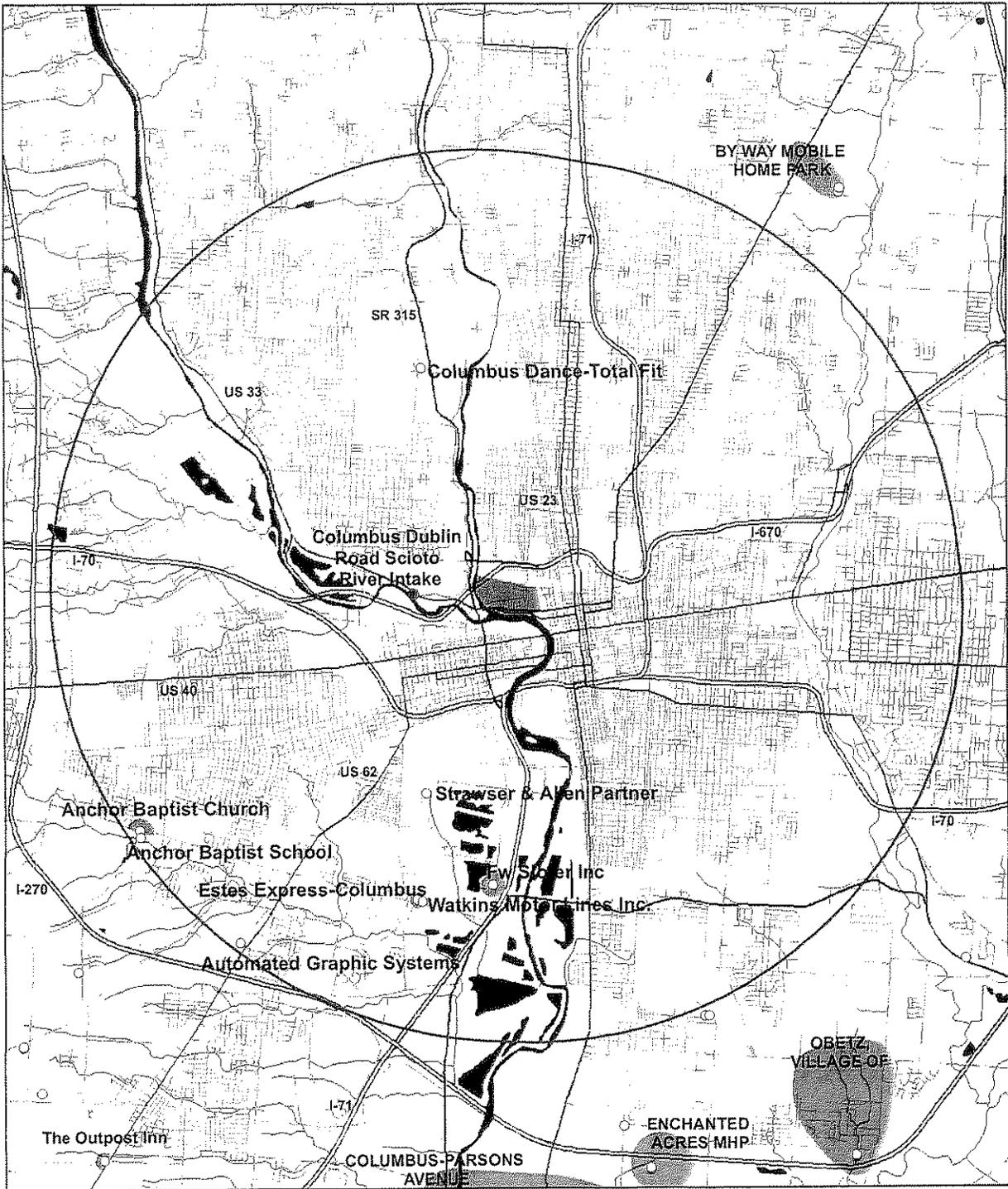


Figure 1  
 Pen West USD  
 Site Location Map





# Pen West USD



- Public Water System Wells (Active)
- Public Water System Intakes (Active)
- 5 Mile Buffer
- Open Water (NHD)
- Drinking Water Source Protection Areas
- Pen West USD
- - - Local Roads
- ==== Interstate
- Ohio Highway
- Turnpike
- US Highway
- Rivers & Streams (NHD)

**OhioEPA**

Figure 2.

Map generated November 29, 2004

**ATTACHMENT A**

**Pen West USD Approval Letter**



State of Ohio Environmental Protection Agency

REET ADDRESS:

Lazarus Government Center  
122 South Front St.  
Columbus, OH 43215

TELE: (614) 644-3020 FAX: (614) 644-2329

MAILING ADDRESS:

Lazarus Government Center  
P. O. Box 1049  
Columbus, OH 43216-1049

OCT 26 1999

Mr. Thomas Mignery  
Burgess & Niple Ltd  
5085 Reed Road  
Columbus, Ohio 43220

Re: Approval of Urban Setting Designation, Pen West Area, City of Columbus (ID: 99USD015), Franklin County, Ohio.

Dear Mr. Mignery:

The purpose of this letter is to respond to and approve your request on behalf of your client, the City of Columbus (Columbus), for an Urban Setting Designation (USD) for the 152 acre area known as the "Pen West Area" within Columbus, Franklin County, Ohio. A general map of the area subject to this USD approval is included as Attachment 1 hereto. A list of the 84 parcel numbers subject to this USD approval is also included as Attachment 1.

The map in Attachment 1 provides an accurate description of the boundary of the entire Pen West Area USD. This map was generated from records of 84 permanent parcel numbers which comprise the Pen West Area, and which are on file in the Franklin County Recorder's office. The description of the USD area was also provided to Ohio EPA by the CP and Volunteer in an electronic format utilizing a software program known as ArcInfo GIS.

This USD request has been made pursuant to Ohio Administrative Code (OAC) 3745-300-10(D) under the Voluntary Action Program (VAP). As set forth in OAC 3745-300-10(D), the USD authorizes the use of an alternative standard for ground water cleanup for the area delineated within the USD, generally based upon the urban nature of the area, the availability and widespread use of public drinking water supplies, and lack of use of ground water in the area for potable purposes.

A USD may be requested under the VAP by a Certified Professional (CP) upon demonstration that the threshold criteria contained in OAC 3745-300-10(D) (1)(a) through (e) have been met within the USD area. The Director of Ohio EPA is authorized to approve a USD after Ohio EPA finds that the threshold criteria are met, and upon consideration of the additional criteria contained in OAC 3745-300-10(D)(2)(e)(ii) through (vii), regarding,

Bob Taft, Governor  
Maureen O'Connor, Lieutenant Governor  
Christopher Jones, Director

among other things, regional water resource needs, existing or potential future uses of ground water, and the potential impact of the USD on surrounding jurisdictions.

The following briefly describes the Ohio EPA's determination of how your USD request demonstrates that the Pen West Area meets the threshold criteria in OAC 3745-300-10(D)(1)(a) through (e), and the Ohio EPA's consideration of the additional factors contained in OAC 3745-300-10(D)(2)(e)(ii) through (vii).

**I. Threshold Criteria: OAC 3745-300-10(D)(1)(a) through (e)**

**1. OAC 3745-300-10(D)(1)(a): Property Location.**

- a) The General Site Location Map indicates that the Pen West Area, composed of 152 acres, is located entirely within the corporation boundaries of Columbus.
- b) The 1990 U.S. Census reported the total population of Columbus to be 632,958, which meets the minimum population requirements for a USD within a city in Ohio.

**2. OAC 3745-300-10(D)(1)(b): Parcels Connected to a Community Water Supply.**

The following information supports the conclusion that not less than 90 percent of the parcels within Columbus are connected to the community water supply:

- a) The USD request for Miranova Development, (98USD007) presented by Hull & Associates (HAI) in 1998, indicated that 99.3 percent of the housing units within Columbus are served by the community water supply.
- b) Although the City of Columbus has no restrictions on the use of groundwater as a potable water supply, the Ohio Rules for Private Water Systems require siting criteria that could not be met within the high level of urban development that is present in the Pen West Area, thereby necessitating connection to the Columbus municipal water supply system.
- c) Mr. John Funk, (Fiscal Manager, City of Columbus, Department of Public Utilities, (CCDPU), Division of Water) verified in a letter dated January 6, 1999, that the entire Pen West Area is within the Columbus Division of Water service area, with water service available to all parcels. He further stated that the city was not aware of any parcels within the area that are utilizing water for potable uses other than from the Columbus municipal water supply.

- d) A Geographic Information System (GIS) database for Franklin County was utilized by the CP to demonstrate that not less than 90 percent of the parcels are connected to the community water supply. According to the April 1998 HAI submittal, 216,538 parcels or 98.8 percent of the total 219,118 parcels within Columbus, are connected to the community water supply.
- e) The HAI submittal included maps of the existing water distribution trunk mains and secondary water lines that were provided by the CCDPU, in which it was shown that there are water mains and service to every street in the Pen West Area of Columbus.
- g) Within Columbus, the USD request for the Miranova Development property was approved by the Director on September 24, 1998. The Miranova property is approximately 3500 feet south of the Pen West Area, and the ½ mile buffer radius from the Miranova USD is adjacent to the southern Pen West Area boundary.

**3. OAC 3745-300-10(D)(1)(c): Wellhead Protection Area.**

The USD area is not located within an endorsed wellhead protection area, or a proposed wellhead protection area currently submitted to Ohio EPA for review and endorsement. The proposed Pen West USD is approximately ten (10) miles north of the closest wellhead protection area (Columbus' South Well Field).

**4. OAC 3745-300-10(D)(1)(d): Wells Within ½ Mile of the Property Boundary.**

The following information was presented with the Pen West USD request to support the CP's demonstration that no potable wells exist within the Pen West Area or within one-half (½) mile of the Pen West Area boundary:

- a) Based on the data available from the Ohio Department of Natural Resources (ODNR), such as the located, and unlocated ODNR well logs, 26 well records were identified within the Pen West area or within one-half (½) mile of the Pen West boundary. However, a subsequent well inventory concluded that none of these wells are used for a potable water supply;
- b) As previously stated, Mr. John Funk, (CCDPU), verified in a letter dated January 6, 1999, that the City was not aware of any parcels within the area that are utilizing water for potable uses other than from the Columbus municipal water supply.

- c) Based on data available from Ohio EPA, there were no community, non-transient non-community, or transient non-community water systems within the Pen West Area or within one-half (½) mile of the USD boundary;
- d) As previously stated, the City of Columbus has no restrictions on the use of groundwater as a potable water supply; however, the Ohio Rules for Private Water Systems require siting criteria that could not be met within the high level of urban development that is present in the Pen West Area, thereby necessitating connection to the Columbus municipal water supply system.
- f) The previously referenced USD request for Miranova Development, submitted by HAI in 1998 indicated that 99.3 percent of the housing units within Columbus were served by the public community water supply.

**5. OAC 3745-300-10(D)(1)(e): Sole Source Aquifer or 100 gpm Unconsolidated Aquifer.**

Based on data available from Ohio EPA and ODNR ground water resources map for Franklin County, the Pen West Area is not located over a consolidated Sole Source Aquifer, although the Pen West Area is located over an unconsolidated saturated zone capable of yielding greater than one hundred gallons per minute, which therefore, classifies it as Critical Resource Groundwater. In accordance with OAC 3745-300-10(D)(1)(e), the CP adequately demonstrated that the ground water is not currently used or expected to be used in the future for potable purposes in the Pen West Area and within one-half (½) mile of the Pen West boundary.

**II. Additional Factors for Consideration: OAC 3745-300-10(D)(2)(e)(ii) through (vii)**

In addition to the threshold criteria contained in OAC 3745-300-10(D)(1)(a) through (e), OAC 3745-300-10(D)(2)(e)(ii) through (vii) require consideration of several factors for a USD approval: the potential impact of the USD on surrounding jurisdictions, and on regional water resource needs; existing or potential future uses of ground water in the region or in the USD area; the availability and feasibility of treatment systems; and any other factors determined to be relevant to the determination of whether the USD is protective of public health, safety, and the environment.

**1. OAC 3745-300-10(D)(2)(e)(ii) through (iii): Potential Impact of the USD on Surrounding Jurisdictions and Regional Water Resource Needs.**

After consultation with representatives of each jurisdiction within a five (5) mile radius surrounding the Pen West Area ("surrounding jurisdictions"), the criteria contained in this rule have been considered by Ohio EPA, in light of the information received. The

surrounding jurisdictions include: Obetz, Grove City, Grandview Heights, Upper Arlington, Valley View, Bexley, Marble Cliff, Clinton Township (Twp), Franklin Twp., Hamilton Twp., Jackson Twp., Madison Twp., Mifflin Twp., Norwich Twp., and Truro Twp. Reasonably available information was initially gathered from these jurisdictions through a telephone survey for the Miranova USD which was conducted between June 4, 1998 and June 28, 1998. A subsequent telephone survey of these same jurisdictions was conducted from September 16, 1999 to September 20, 1999.

Most of the surrounding jurisdictions receive their sources of public drinking water from the City of Columbus. The source of water for the Columbus community water system is surface water from the Scioto River, a number of above ground reservoirs and ground water from the South Well Field. The South Well Field is located approximately eight to ten miles south of the Pen West Area and the wellhead protection area associated with the wellfield does not incorporate any of the Pen West Area. Obetz operates a community water system. The source of water for Obetz is groundwater. The Obetz well field is located approximately eight miles to the southeast and the well head protection area associated with the wellfield does not incorporate any of the Pen West Area. In addition, some areas in Madison, Norwich and Truro Townships are served by Citizens Utilities Company, a public water supply company. These areas are greater than five miles from the Pen West Area. The source of water for each of these community water systems is ground water. Mr. Steve Henson, owner of Citizen's Utilities, felt that the well fields for these areas would not be impacted by the USD request. In a telephone interview conducted on September 16, 1999, Mr. Henson re-affirmed these views.

Finally, Columbus and the surrounding jurisdictions reportedly have not experienced any shortages of water, and all anticipate having a sufficient supply of water to meet all future needs. A summary of the "Water Beyond 2000," a project completed by Columbus, which was provided with the USD request, includes expansion of the well field to the south and reservoirs to the north, and demonstrates the City's commitment to expanding water service. Therefore, based on the information provided with the USD request, and based upon information obtained in the previous Miranova USD request, it does not appear that regional water resource needs will be impacted by the proposed Pen West USD. In addition, Ohio EPA has no evidence that the USD will adversely impact ground water needed for current and anticipated future potable uses in the surrounding jurisdictions as a result of contamination that may exist within the Pen West Area.

**2. OAC 3745-300-10(D)(2)(e)(iv) through (v): Current or Expected Future Ground Water Use.**

Based on the information received by the CP, and upon the information gathered by Ohio EPA for consideration of the USD request, ground water in the Pen West Area is not currently being used by residents as a source of water used for potable purposes, and is not reasonably expected to be used as a future source of water used for potable purposes by residents. Furthermore, it is unlikely that potable well installation will occur in the region or the Pen West Area; therefore, exposure to potentially contaminated ground water is unlikely. Representatives of the other surrounding jurisdictions have stated that potable well installation is unlikely due to the availability of drinking water from Columbus' water supply system. Therefore, upon consideration of current and future expected uses of ground water as a potable source in the region, Ohio EPA believes that the USD will be protective of public health, safety and the environment because of the lack of evidence that potable wells are currently being used in the region, and the Ohio Department of Health rules which specify setback distances from building foundations, property lines, utilities and easements, and known sources of contamination, suggest that the development of ground water for potable use within the Pen West Area is unlikely.

**3. OAC 3745-300-10(D)(2)(e)(vi): Availability and Feasibility of Treatment Systems.**

The information submitted by the CP on behalf of Columbus, and the additional information obtained by Ohio EPA, indicate that ground water is not currently, nor expected to be, utilized in the Pen West Area for potable purposes. Also, no evidence suggests that granting a USD for the Pen West Area will cause an adverse impact on the potability of water in the Columbus public water supply system. Therefore, in this case, Ohio EPA does not consider the availability and feasibility of treatment systems to be a relevant factor for determining whether the USD will be protective of public health, safety and the environment.

**4. OAC 3745-300-10(D)(2)(e)(vii): Other Factors.**

The USD has been the subject of a public meeting held by the Ohio EPA on July 28, 1999. The City of Columbus appears to be in support of, not in opposition to, the USD request for the Pen West Area. No public comments have been presented to Ohio EPA which question the accuracy of the information gathered regarding the USD request, or which provide additional factual information to suggest that the USD will not be protective of public health, safety and the environment. However, several comments have been received from concerned citizens which suggest that residual soil and groundwater contamination is present at various properties within the Pen West Area, ( in particular, the former Ohio State Penitentiary), and that these

properties may contain contaminants of concern or may involve conditions (underground storage tanks) that may still require remediation in order for them to be protective of public health and the environment. It should be noted that the issuance of a USD for the Pen West area does not imply that any NFA letter(s) that are submitted through the VAP for various properties within the Pen West Area, will necessarily receive a covenant not to sue (CNS) from the Ohio EPA. All properties within the Pen West USD Area that seek a CNS will be required by the Ohio EPA to demonstrate eligibility for participation within the VAP, and to achieve the VAP applicable standards in order to receive a CNS.

Based on the information discussed above, and that additional factors for consideration of the USD request have been satisfied, the ground water cleanup requirements applicable to the properties identified as being located entirely within the Pen West Area USD are those contained in OAC 3745-300-10 for a USD.

This USD letter pertains to parcels that lie wholly within the boundary of the Pen West Area. The USD submittal contained a list of permanent parcel numbers provided by the CP and a map of the area of Columbus where these parcels are located (Attachment 1). The description of the USD area was provided to Ohio EPA by the CP and Volunteer in an electronic format known as ArcInfo GIS. This electronic format contains two map layers. One layer contains the boundaries for the USD area and the second map layer contains the parcels located in the Pen West Area. The CP and Volunteer identified the boundary of the Pen West Area by outlining the outer boundary of each perimeter parcel. Based on the information provided by the CP, the Pen West Area USD consists of 84 complete parcels; no partial or incomplete parcels are included in the Pen West Area. This ArcInfo GIS map of the Pen West Area is contained on a CD ROM which will be maintained by Ohio EPA. In addition to a demonstration of no significant change of USD criteria as required below, the use of this USD as an applicable ground water standard is contingent upon making a demonstration to Ohio EPA, and receiving Ohio EPA's concurrence, that a property is located entirely within the boundary of the Pen West Area USD.

This USD letter is not a final action of the Director. The use of the USD to establish applicable ground water standards for any property located within the Pen West Area USD is contingent upon a determination by Ohio EPA, at the time of issuance of any Covenant Not to Sue (CNS) for any property within the Pen West Area USD, that no significant change of circumstances has occurred regarding the USD criteria contained in OAC 3745-300-10(D). In addition, the use of the USD as an applicable ground water standard is contingent upon demonstration in an NFA Letter for any property within the Pen West Area USD, that the property is eligible for participation in the VAP, pursuant to ORC Section 3746.02 and OAC 3745-300-02. To the extent that any property located within the Pen West Area USD, or any portion thereof, is determined to be ineligible for the VAP, the USD criteria and other VAP cleanup standards contained in ORC Chapter 3746 and OAC

Mr. Thomas Mignery  
Approval of USD, Pen West Area, Columbus, Ohio

Page 8 of 8

---

Chapter 3745-300 would be inapplicable to that property, pursuant to ORC Section 3746.02, and OAC 3745-300-10(D)(1) respectively. This USD letter pertains only to the properties identified herein, and therefore, is not applicable to any other property.

Thank you for your interest in the VAP. If you have any questions concerning this letter, please contact Jenifer Kwasniewski of my staff at (614) 644-2279.

Sincerely,



Christopher Jones  
Director, Ohio Environmental Protection Agency

cc. Jenifer Kwasniewski, Manager, DERR-CO  
Cindy Hafner, Chief, DERR, Chief, CDO  
Amy Yersavich, Unit Supervisor, DERR-CO  
Jeff Patzke, Manager, DDAGW-CO  
Joe Koncelik, Legal  
Gregory Lashutka, Mayor of Columbus

Attachment

**ATTACHMENT 1**

**USD Site Location Map**

**List of parcels on file at Franklin County Auditor's Office**



PEN WEST  
USD

RIVERFRONT COMMONS CORPORATION  
URBAN SETTING DESIGNATION

FIGURE 1

SITE LOCATION MAP

P-PR22016 TLOMAP DWG

SOURCE: COLUMBUS SOUTHWEST, COLUMBUS SOUTHEAST  
7.5 MINUTE QUADRANGLE MAPS

BURGESS AND NIPLE, LTD.  
ENGINEERS & ARCHITECTS

SCALE: 1"=2000'  
DATE: JAN, 1999

010-002783	IACOVETTA EUGENE R TR
010-002801	RIVERSIDE ASSET CORP
010-002999	TEMPLE BETS R & DALE O FATIG
010-003012	BGT INVESTMENTS
010-003469	KATZ FAMILY L P 3
010-003470	KATZ FAMILY L P 3
010-005516	JAEGER COMMERCE PARK LIMITED PARTNERSHIP
010-006060	KLOSS MEREDITH B
010-006143	WILSON WILLIAM R
010-007537	THARP VICTOR V
010-008300	CITY OF COLUMBUS OHIO
010-008442	WILSON WILLIAM R
010-008443	JAEGER COMMERCE PARK LIMITED PARTNERSHIP
010-008484	NEW VENTURE INVESTMENTS LTD
010-008485	NEW VENTURE INVESTMENTS LTD
010-008651	STATE OF OHIO
010-008652	RIVERSIDE ASSET CORP
010-008842	CITY OF COLUMBUS OHIO
010-010455	PUTNAM HILL COMPANY LIMITED PARTNERSHIP
010-010456	WILSON WILLIAM R
010-011483	RIVERSIDE ASSET CORP
010-014228	RIVERSIDE GROUP LIMITED PARTNERSHIP
010-014455	WEASNER MICHAEL L
010-017626	WILSON WILLIAM R
010-018366	KATZ FAMILY L P 3
010-020215	JAEGER COMMERCE PARK L P
010-021709	THARP VICTOR V
010-024126	STATE OF OHIO
010-024129	KATZ FAMILY L P 3
010-024902	WEASNER MICHAEL L
010-024906	WEASNER MICHAEL L
010-024957	CSX TRANSPORTATION INC CHESAPEAKE & OHIO RY USED IN OPERATION
010-025301	KATZ FAMILY L P 3 APDT
010-026425	NEW VENTURE INVESTMENTS LTD
010-028175	WILSON WILLIAM R
010-028184	LARMAN WILLIAM K JR & HOWARD C PARKS TR
010-030188	GOODBURN GEORGE L JR
010-030366	UNION FORK & RCE CO TRK
010-031821	PAUL WILLIAM T & BARBARA W CO-TRS
010-034409	HOFFMAN SALLY H ET AL 3 TRUSTEES & ET AL 7
010-035238	CSX TRANSPORTATION INC CHESAPEAKE & OHIO RY USED IN OPERATION
010-035239	NWD INVESTMENTS LLC
010-035242	NWD INVESTMENTS LLC
010-035246	UNKNOWN
010-036939	KATZ INTERESTS INC
010-038672	THARP VICTOR V
010-039051	WILSON WILLIAM R
010-052056	KATZ FAMILY L P 3
010-052205	UNION FORK & RCE CO TRK
010-057550	NWD INVESTMENTS LLC
010-057861	IACOVETTA EUGENE TR
010-063298	CITY OF COLUMBUS OHIO
010-064945	HOFFMAN SALLY H ET AL 3 TRUSTEES & ET AL 6
010-066076	STATE OF OHIO
010-066078	STATE OF OHIO
010-066079	STATE OF OHIO
010-066111	CONSOLIDATED RAIL CORP NOT USED OPERATION
010-066120	STATE OF OHIO
010-066121	STATE OF OHIO
010-066122	STATE OF OHIO
010-066123	STATE OF OHIO
010-066124	STATE OF OHIO
010-066131	CSX TRANSPORTATION INC CHESAPEAKE & OHIO RY USED IN OPERATION
010-066132	CSX TRANSPORTATION INC CHESAPEAKE & OHIO RY USED IN OPERATION
010-066133	CSX TRANSPORTATION INC CHESAPEAKE & OHIO RY USED IN OPERATION
010-066165	CSX TRANSPORTATION INC CHESAPEAKE & OHIO RY USED IN OPERATION
010-066166	UNKNOWN
010-066167	CSX TRANSPORTATION INC CHESAPEAKE & OHIO RY USED IN OPERATION
010-066168	CSX TRANSPORTATION INC CHESAPEAKE & OHIO RY USED IN OPERATION
010-066169	CSX TRANSPORTATION INC CHESAPEAKE & OHIO RY USED IN OPERATION
010-066170	CSX TRANSPORTATION INC CHESAPEAKE & OHIO RY USED IN OPERATION
010-066171	CSX TRANSPORTATION INC CHESAPEAKE & OHIO RY USED IN OPERATION
010-066175	CSX TRANSPORTATION INC CHESAPEAKE & OHIO RY USED IN OPERATION
010-066176	UNKNOWN
010-066266	BGT INVESTMENTS
010-066552	LION-DOV
010-066594	COLUMBUS & SOUTHERN OHIO ELECTRIC CO
010-066777	CITY OF COLUMBUS W S PUMP
010-067012	CITY OF COLUMBUS OHIO
010-077414	NWD INVESTMENTS LLC
010-077820	RIVERSIDE ASSET CORP
010-212114	GOODBURN GEORGE L JR
010-227830	NEW VENTURE INVESTMENTS LTD
010-241370	SAVED BROS PROPERTIES I LLC

**ATTACHMENT B**

**Well Log Review Summary Memo**

# INTER-OFFICE COMMUNICATION

---

**TO:** Ray Moreno, <sup>DERR</sup>~~DDAGW~~-CDO

**FROM:** Sydney Poole, DDAGW-CO, through Jeff Patzke, DDAGW-CO

**DATE:** December 8, 2004

**SUBJECT:** Pen West Urban Setting Designation  
Voluntary Action Program, USD # 99USD015  
USD Five Year Review Well Review

RECEIVED

DEC 10 2004

OHIO EPA/CDO

---

A periodic review of the continuing protectiveness of a USD area is authorized by OAC 3745-300-10(D)(4). The purpose of the review is to verify that some of the threshold criteria that the USD application relied upon, including that no potable use wells are located within one-half mile of the USD boundary, are still valid. The Division of Emergency and Remedial Response (DERR) requested the Division of Drinking and Ground Waters (DDAGW) to assist in performing a review of the Pen West Area USD. As part of this review, DDAGW was requested by DERR to determine whether any additional well(s) have been installed within one-half mile of the USD since the original well survey was performed. DDAGW-CDO requested DDAGW-CO staff to assist in the review process by reviewing recent well logs on file with the Ohio Department of Natural Resources (ODNR), Division of Water.

Central Office DDAGW staff reviewed located logs in the ODNR Division of Water well search system on December 3, 2004. The search was conducted for the time frame from January 1, 1999 through December 3, 2004. It was determined through the computer search that no potable wells are on record with the ODNR within one-half mile of the USD boundary during that time. All well logs are entered into the system; however, please note that due to the filing process, there may be a several month lag between the date a well is drilled and the date the log is entered into the well log system.

Cc: Linnae Saukko, Supervisor, DDAGW-CDO

**ATTACHMENT C**

**Public Water System Telephone Survey**

.....

## Public Water Supply/USD Verification Telephone Survey

Name of Municipality: Bexley

Date: 12/13/04

Contact Person: Dorothy Pritchard

Title: Service Director

Phone Number: (614) 235-8694

1. Is the public water system meeting current water use demands?

Yes

2. Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

No

Comments: Bexley receives its water supply from the City of Columbus. The Service Director knows of only one well in Bexley and it is used for irrigation. Bexley has no plans to develop a water supply system.

## Public Water Supply/USD Verification Telephone Survey

Name of Municipality: Columbus

Date: 12/03/04

Contact Person: Lynn Kelly

Title: Water Supply and Treatment Coordinator

Phone Number: (614) 645-7100

1. Is the public water system meeting current water use demands?

Yes

2. Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

No

Comments: The Columbus municipal water system utilizes surface water (Scioto River and Big Walnut Creek) and ground water (South Well Field). Columbus provides municipal water services to many surrounding communities in addition to Columbus.

The South Well Field is located more than six miles south of the USD south of I-270. The City plans to expand the well field to the south with additional wells and increase the water supply by 15 million gallons per day safe yield within five years. Columbus also plans to construct upground surface water storage reservoirs in northwest Delaware County with the first reservoir being constructed by 2008.

Columbus has no plans to develop ground water in the vicinity of the USD or north of I-270.

## Public Water Supply/USD Verification Telephone Survey

Name of Municipality: Grandview Heights

Date: 12/03/04

Contact Person: Debbie Nicodemus, Brian Macy

Title: D. Nicodemus - City Administrative Secretary, B. Macy - City Engineer (EMH&T)

Phone Number: City - (614) 488-3159, B. Macy - (614) 470-9466

1. Is the public water system meeting current water use demands?

Yes

2. Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

No

Comments: The City of Grandview Heights is served by the City of Columbus municipal water system and has no plans to develop its own water supply system.

## Public Water Supply/USD Verification Telephone Survey

Name of Municipality: Grove City

Date: 12/10/04

Contact Person: Jim Blackburn

Title: Director of Public Service

Phone Number: (614) 875-6368

1. Is the public water system meeting current water use demands?

Yes

2. Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

No

Comments: The City of Columbus provides municipal water service to Grove City. Grove City has no plans to develop a separate water system.

## Public Water Supply/USD Verification Telephone Survey

Name of Municipality: Marble Cliff

Date: 12/10/04

Contact Person: Cynthia McKay

Title: Fiscal Officer

Phone Number: (614) 486-6993

1. Is the public water system meeting current water use demands?

Yes

2. Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

No

Comments: The City of Columbus supplies municipal water to Marble Cliff. There are no plans to develop a separate water system.

## Public Water Supply/USD Verification Telephone Survey

Name of Municipality: Obetz

Date: 12/03/04

Contact Person: Ken Nelson

Title: Water Superintendent

Phone Number: (614) 491-5733

1. Is the public water system meeting current water use demands?

Yes

2. Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

No

Comments: The Village of Obetz operates a water supply system consisting of a well field with two water supply wells, distribution system and treatment works. Obetz is also partially served by the City of Columbus municipal water system.

Obetz has no immediate plans to install new wells but plans to increase the capacity of its existing wells and treatment facility.

## Public Water Supply/USD Verification Telephone Survey

Name of Municipality: Upper Arlington

Date: 12/16/04

Contact Person: Doug Green

Title: City Engineer

Phone Number: (614) 583-5360

1. Is the public water system meeting current water use demands?

Yes

2. Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

No

Comments: Upper Arlington receives municipal water service from the City of Columbus. Upper Arlington has no plans to develop a separate water supply system.

## Public Water Supply/USD Verification Telephone Survey

Name of Municipality: Valleyview

Date: 12/13/04

Contact Person: Tom Watkins

Title: Mayor

Phone Number: (614) 279-5630

1. Is the public water system meeting current water use demands?

Yes

2. Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

No

Comments: The Village of Valleyview is supplied by the City of Columbus municipal water system. Valleyview has no plans to develop its own water supply system. The mayor did note, however, that he would like to see the groundwater in the USD cleaned up.

## Public Water Supply/USD Verification Telephone Survey

Name of Municipality: Clinton Township

Date: 12/10/04

Contact Person: Bobbie Olt

Title: Township Clerk

Phone Number: (614) 471-6854

1. Is the public water system meeting current water use demands?

Yes

2. Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

No

Comments: Clinton Township is small and fragmented. Most of the township is supplied by the City of Columbus municipal water system. A few residences along Cooke Road may still have private wells. There are no plans to develop a separate water supply system.

## Public Water Supply/USD Verification Telephone Survey

Name of Municipality: Franklin Township

Date: 12/10/04

Contact Person: Tim Guyton

Title: Township Trustee

Phone Number: (614) 276-6946

1. Is the public water system meeting current water use demands?

Yes

2. Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

No

Comments: Franklin Township is supplied by City of Columbus municipal water and private wells. Future connections to the Columbus water system will require annexation to the city. The township has no plans to develop a separate water supply.

Franklin Township is currently working with the Franklin County Board of Health and Franklin County Sanitary Engineer to get sanitary sewer service to areas of the township served by private wells and septic systems due to concerns about septic system contamination of ground water.

## Public Water Supply/USD Verification Telephone Survey

Name of Municipality: Hamilton Township

Date: 12/03/04

Contact Person: Chris Hann

Title: Township Trustee

Phone Number: (614) 491-0812

1. Is the public water system meeting current water use demands?

Yes

2. Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

No

Comments: Most of the township is on private wells. The Hamilton Meadows subdivision is served by City of Columbus municipal water through a contract with Franklin County. Mr. Hann said any future large subdivisions would probably be supplied by the City of Columbus or Obetz municipal water.

## Public Water Supply/USD Verification Telephone Survey

Name of Municipality: Jackson Township

Date: 12/03/04

Contact Person: Mike Lilly

Title: Township Administrator

Phone Number: (614) 875-2742

1. Is the public water system meeting current water use demands?

Yes

2. Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

No

Comments: Jackson Township has no public water supply system. Residents are on private wells. Jackson Township has no plans to develop its own water system.

## Public Water Supply/USD Verification Telephone Survey

Name of Municipality: Madison Township

Date: 12/15/04

Contact Person: Wayne Warner

Title: Township Administrator

Phone Number: (614) 836-5308

1. Is the public water system meeting current water use demands?

Yes

2. Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

No

Comments: Madison Township is served by Ohio-American Water and private wells. The township has no plans to develop its own water supply system.

## Public Water Supply/USD Verification Telephone Survey

Name of Municipality: Mifflin Township

Date: 12/13/04

Contact Person: Nancy White

Title: Township Clerk

Phone Number: (614) 471-4494

1. Is the public water system meeting current water use demands?

No

2. Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

No

Comments: Mifflin Township receives part of its water from the City of Columbus municipal water system and the rest from private wells. The Township Clerk stated that residents in certain parts of the township have wells that do not provide an adequate water supply especially in the Leonard Park area (east of Stelzer Road between Agler Road and Route 62). She felt that dewatering had occurred when I-270 was constructed in the early to mid 1970s. The township has drilled some new private residential wells for residents using grant money. Other residents have had holding tanks installed.

Township residents currently have to annex to Columbus to receive Columbus city water. The township has no plans to develop its own water supply system.

## Public Water Supply/USD Verification Telephone Survey

Name of Municipality: Norwich Township

Date: 12/10/04

Contact Person: Linda Gill

Title: Township Clerk

Phone Number: (614) 876-7694

1. Is the public water system meeting current water use demands?

Yes

2. Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

No

Comments: Norwich Township is comprised of small unincorporated areas surrounded by the cities of Hilliard and Columbus. Water is provided by Ohio-American Water in the Timberbrook subdivision near Renner Road, the City of Columbus municipal water in parts of the Ridgewood subdivision and possibly San Margherita, and private wells elsewhere in the township. The township has no plans to develop a separate water system.

## Public Water Supply/USD Verification Telephone Survey

Name of Municipality: Perry Township

Date: 12/20/04

Contact Person: Brian Shonkwiler

Title: Twp. Road Superintendent

Phone Number: (614) 889-2669

1. Is the public water system meeting current water use demands?

Yes

2. Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

No

Comments: Perry Township is small and fragmented. The township is served by the City of Columbus municipal water system in some residential areas, Ohio-American water in the Worthington Hills subdivision and private wells elsewhere. The township has no plans to develop a separate water supply system.

## Public Water Supply/USD Verification Telephone Survey

Name of Municipality: Truro Township

Date: 12/13/04

Contact Person: Annette McConnell

Title: Fire Department Dispatcher

Phone Number: (614) 866-7391

1. Is the public water system meeting current water use demands?

Yes

2. Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

No

Comments: Truro Township receives its water from the City of Reynoldsburg and Ohio-American Water (in the Noe-Bixby Chatterton Road area). A few residents utilize private wells. The township has no plans to develop its own water system.

## Public Water Supply/USD Verification Telephone Survey

Name of Municipality: Franklin County

Date: 12/17/04

Contact Person: Lyndon Johnson

Title: Water Operations Superintendent

Phone Number: (614) 462-3940

1. Is the public water system meeting current water use demands?

Yes

2. Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

No

Comments: Franklin County owns and maintains water lines in several areas of the county outside of Columbus including Lincoln Village, Rickenbacker AFB and Lockbourne. Franklin County purchases water from the City of Columbus and does not have its own water supply. The county has no plans to develop its own water supply but is currently considering taking over a water supply system in a subdivision.

## Public Water Supply/USD Verification Telephone Survey

Name of Municipality: Ohio-American Water Co.

Date: 12/15/04

Contact Person: Brian McFarland

Title: Water Quality Specialist

Phone Number: (800) 673-5999, cell phone (614) 361-9479

1. Is the public water system meeting current water use demands?

Yes

2. Are there any future plans to develop ground water for potable purposes near the urban setting designation area?

No

Comments: Ohio-American Water (formerly Citizens Utilities) operates five public water supply systems in Franklin County serving unincorporated residential developments. Each water system consists of a well field, distribution system and treatment works. Ohio-American may develop future water supplies but has no plans to develop a water supply system near the USD area.

### Areas Served by Ohio-American Water

- Worthington Hills - Perry Twp. (North of I-270, West of SR 315)
- Blacklick Estates - Madison & Truro Twps (Noe-Bixby, Chatterton Road)
- Timberbrook - Norwich Twp. (North of I-70, West of Hilliard-Rome Road)
- Huber Ridge - Blendon Twp. (SR 161 & I-270)
- Lake Darby - Prairie Twp. (Northeast of West Jefferson, North of Broad St., East of Big Darby Creek)

(Worthington Hills, Blacklick Estates and Timberbrook have interconnections with Columbus in case of emergency. Huber Ridge has an interconnection with Westerville in case of emergency.)